
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

<p>ZACHARY RUSK, v. MONTE KARTCHNER, et al.,</p>	<p>Plaintiff, Defendants.</p>	<p>ORDER AND MEMORANDUM DECISION TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO CURE DEFICIENT COMPLAINT</p>
		<p>Case No. 2:23-cv-402-TC Judge Tena Campbell</p>

On February 2, 2024, the court ordered Plaintiff Zachary Rusk to cure his deficient complaint and gave instructions for doing so. (ECF Nos. 3, 18.) Mr. Rusk did not comply, and on April 10, 2024, the court ordered him to show cause within thirty days why this action should not be dismissed. (ECF No. 22.) Mr. Rusk has not filed an amended complaint, instead moving again for appointed counsel, even though the court already denied him appointed counsel in the past. (ECF Nos. 18, 23.)

ORDER

It is ORDERED as follows:

1. Plaintiff has a FINAL thirty days within which to SHOW CAUSE why this action should not be dismissed because of Plaintiff ‘s failure to follow the court’s repeated Orders to cure the Complaint’s deficiencies by filing a single document titled “Amended Complaint,” which may not be longer than twenty pages. (ECF Nos. 3, 18, 22.)

2. The Clerk's Office shall again mail to Plaintiff copies of (a) the February 2, 2024 Order and (b) the Pro Se Litigant Guide with a blank-form civil rights complaint which Plaintiff must use if Plaintiff wishes to pursue an amended complaint.

3. If Plaintiff fails to timely cure the deficiencies according to the instructions in the February 2, 2024 Order, this action will be dismissed without further notice.

4. Plaintiff's second motion for appointed counsel (ECF No. 23) is DENIED, for the same reasons stated in a prior order denying appointment of voluntary pro bono counsel. (ECF Nos. 13, 18). That past order stated: “[I]f, after the case develops further, it appears that counsel may be needed or of specific help, the Court will ask an attorney to appear free of charge on Mr. Rusk's behalf.” (ECF No. 18, at 12.) No further prompting is needed from Plaintiff.

5. Pending the court's receipt of Plaintiff's Amended Complaint (see ECF No. 18), Plaintiff must suspend further filings of any other kind. Any further filings not invited by the court shall be returned to sender by the Clerk of Court. Such other filings would continue to be immaterial and distracting at this stage of the litigation.

DATED this 22nd day of May, 2024.

BY THE COURT:



TENA CAMPBELL
United States District Judge